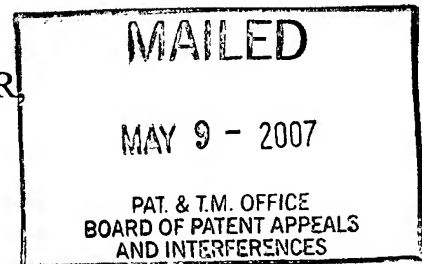


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: JOHN WIRTH, JR., JAY L. SANGER,
PAUL BRUTSMAN and DAN STOOPS

Application No. 10/696,587



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on December 14, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below:

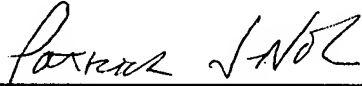
On September 7, 2006, appellants filed an Amended Appeal Brief in response to the Notification of Non-Compliant Appeal Brief mailed August 31, 2006. A review of the record reveals that there is no indication that the Amended Appeal Brief has been considered. Appropriate action required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) to consider the Amended Appeal Brief on September 7, 2006; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

PJN/dal

cc: NIXON & VANDERHYE, PC
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